

## **REMARKS**

Claims 1-50 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 103(a) Rejection:**

The Office Action rejected claims 1-50 under 35 U.S.C. § 103(a) as being unpatentable over Waldo et al. (U.S. Patent 6,237,009) (hereinafter “Waldo”). Applicants respectfully traverse this rejection for at least the following reason.

The Waldo patent is not prior art to the present application for rejections under 35 U.S.C. § 103. The American Inventors Protection Act of 1999 amended 35 U.S.C. § 103(c) to state that art which qualifies as prior art only under § 102(e), (f) or (g) is not available for rejections under § 103 if that art and the subject matter of the application under examination were owned by or subject to an obligation of assignment to the same assignee at the time the invention was made. This change to 35 U.S.C. § 103(c) is effective for any application filed on or after November 29, 1999. The present application is an application for patent filed after November 29, 1999. At the time the invention was made, the subject matter of present application and the Waldo patent were both owned by or subject to an obligation of assignment to the same assignee, Sun Microsystems, Inc. Therefore, the amendment to 35 U.S.C. § 103(c) made by the American Inventors Protection Act of 1999 applies to the present application and operates to exclude the Waldo patent as available prior art for rejections under 35 U.S.C. § 103.

Applicants also note that the other reference made of record by the Examiner, U.S. Patent 6,463,446 to Wollrath et al., was also owned by or subject to an obligation of assignment to the same assignee, Sun Microsystems, Inc., along with the subject matter of the present application at the time the invention was made. Therefore, U.S. Patent

6,463,446 to Wollrath et al. is also ineligible as prior art for rejections under 35 U.S.C. § 103.

**Information Disclosure Statements:**

Applicants note that three different information disclosure statements with accompanying Forms PTO-1449 were submitted on August 6, 2001, August 16, 2001 and September 13, 2001, respectively. Although the Examiner did return a copy of the signed and initialed form PTO-1449 from the statement of August 6, 2001, the Examiner did not return copies of the signed and initialed forms PTO-1449 from the statements of August 16, 2001 and September 13, 2001. Applicants request the Examiner to carefully consider the listed references and return copies of the signed and initialed Forms PTO-1449 from both of these statements.

## CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-63600/RCK.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Petition for Extension of Time
- Notice of Change of Address
- Fee Authorization Form authorizing a deposit account debit in the amount of \$ for fees (      ).
- Other:

Respectfully submitted,



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